

Remarks/Arguments:

Amendments

Claim 1 has been amended to incorporate the limitations of claim 15. Claim 15 has been cancelled. Other amendments have been made to particularly point out and distinctly claim the subject matter that applicants regard as the invention. It is submitted that no new matter is introduced by these amendments and new claim.

Restriction Requirement and Election of Species

In response to the Restriction Requirement and Election of Species dated July 15, 2003, applicants make the following elections.

Applicants elect with traverse the claims of Group I, claims 1-15 and claims 49-51, drawn to a herbal formulation.

Claim 1 has been amended to recite that the formulation optionally comprises an acceptable amount of further additives selected from *Piper*, *Elettaria* and *Myristica*. As amended, claim 1 is now in alignment with claim 16, and claim 16 is a preferred formulation of the components recited in claim 1. Therefore, the restriction requirement is no longer proper and should be withdrawn.

Applicants elect *Glycine max* as the legume.

Applicants elect *Hordeum vulgare* as the cereal.

Applicants elect *Amaranthus hypochondriacus* as the pseudocereal.


Claims 1, 2, 3, 5, 8-14, 16-20, and 49 are readable on the elected legume.
Claims 1, 2, 3, 5, 8-14, 16-20, and 50 are readable on the elected cereal. Claims 1, 2, 3, 5, 8-14, 16-20, and 51 are readable on the elected pseudocereal.

The Examiner is invited to phone applicants' attorney if it is believed that a telephonic or personal interview would expedite prosecution of this application.

Appln. No.: 09/944,261
Amendment Dated July 31, 2003
Reply to Restriction Requirement of July 15, 2003

KUM-105US

Respectfully submitted,


(Allan Ratner, Reg. No. 19,717
Bruce M. Monroe, Ph.D., Reg. No. 33,602
Attorneys for Applicants

Dated: July 31, 2003

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby
authorized to charge payment to Deposit
Account No. **18-0350** of any fees associated
with this communication.

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail, with sufficient postage, in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on:

July 31, 2003
Jane M. Bocella

BMM_I:\KUM\105US\PRELIMAMEND02.DOC